



City of Pleasant Ridge
23925 Woodward Avenue
Pleasant Ridge, Michigan 48069

Regular Planning Commission Meeting
Monday, August 25, 2014

Members of the Planning Commission, and Residents: This shall serve as your official notification of the Regular Meeting of the Planning Commission to be held Monday, August 25, 2014, 7:00 P.M., in the City Commission Chambers, 23925 Woodward Avenue, Pleasant Ridge, Michigan 48069. The following items are on the Agenda for your consideration:

REGULAR PLANNING COMMISSION MEETING-7:00 P.M.

1. Meeting Called to Order.
2. Roll Call.
3. Consideration of the following minutes:
 - a. Site Plan Review and Regular Planning Commission Meeting held Tuesday, July 15, 2014.
4. PUBLIC DISCUSSION – Items not on the Agenda.
5. Discussion of the potential amendments to the Pleasant Ridge Zoning Ordinance.
6. City Managers Report.
7. Other Business.
8. Adjournment.

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the City at least seventy-two (72) hours in advance of the meeting, if requesting accommodations.



City of Pleasant Ridge
 23925 Woodward Avenue
 Pleasant Ridge, Michigan 48069

Regular Planning Commission Meeting
Tuesday, July 15, 2014

Having been duly publicized, Chairman Bolach called the meeting to order at 7:03 p.m.

Present: Bolach, Decoster, Laidlaw, Lenko, McCutcheon, O'Brien, Schlesinger, Stearn, and Sweeney
 Also Present: City Manager Brueckman, Assistant City Manager Pietrzak, Mayor Kurt Metzger, and City Commissioner Perry
 Absent: None

Minutes

Motion by Commissioner Lenko, second by Commissioner Stearn, that the minutes of the Regular Planning Commission Meeting held Monday, June 23, 2014, be approved, as presented.

Adopted: Yeas: Bolach, Decoster, Laidlaw, Lenko, McCutcheon, O'Brien, Schlesinger, Stearn, and Sweeney.
 Nays: None

Cork Outdoor Dining Public Hearing

Kathy Galen, Co-Owner of Cork, indicated that there would be a maximum of 24 seats utilized at no more than six tables.

Brueckman confirmed Galen's comments and indicated there are ten considerations that were reviewed from the ordinance and Cork would qualify for the use. He wanted us to know that parking is always the issue in these cases. Two ways to regulated: 1. make parking subject to the patio or, 2. exempt it due to the seasonality of use. He does not recommend any changes in parking at this time and points out that we did not address this or make changes when Mae's added their outdoor seating. He pointed out that we could issue the use subject to an annually

review so that we retain a level of control. Recommendations were made for changes to their Operating Agreement regarding hours of use and dates the patio would be open. We would also want to restrict the storage and dumping of wine bottles. He also suggested that we do not approve live music/recorded music.

Galen asked that we table any decision on music as she wants to incorporate some music aspect on the patio.

Rob Sachet, 8 Fairwood, supports the outdoor seating. Public hearing closed at 7:19 pm.

The patio hours will be the same as restaurant hours. If a second trash pickup is needed due to the increased seating, then that will be acceptable. There was a lot of discussion regarding decibel levels if we allowed music on the patio. Brueckman suggest a trial period. Suggested that permit be issued on an annual calendar year basis to make beginning and ending dates easier to understand, rather than a midyear date. There is no need to address fencing as it is not in the right-of-way and landscaping will be consistent with the site plan.

Patrick Thompson, 21 Wellesley, designed the plan. He said there will be concrete planters on an aggregate patio. Railing will be bolted to the patio itself. He tried to design the space with ease of maintenance in mind.

Motion by Commissioner Stearn, second by Commissioner Lenko, that in the matter of the Cork Outdoor Dining proposal, the Planning Commission approves the special land use and site plan to permit an outdoor dining patio with 24 seats as shown on site plans received by the City dated May 27, 2014, with the following findings.

Findings

1. The traffic generated by the proposed patio is not expected to substantially increase traffic counts over existing levels, and so the proposal should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
2. The proposed patio meets the standards of the Zoning Ordinance for special land use approval set forth in Section 26-13.5.
3. The proposed patio has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the restaurant, the general vicinity, adjacent uses of land, the natural environment, and the capacity of public services and facilities affected by the land use.
4. The proposed use is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
5. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Adopted:

Yeas: Bolach, Decoster, Laidlaw, Lenko, McCutcheon, O'Brien,
Schlesinger, Stearn, and Sweeney.

Nays: None

Accessory Dwelling Unit Ordinance

Brueckman asked for a status on the ADU discussions and if we are going to pursue changes. There was a lot of discussion on ADUs, parking, increased density, rental possibility, etc. It was determined that the commission wants to review ADUs further and we will move forward on this issue.

City Manager Report

None

Other Business

None

With no further business Chairman Bolach asked for motion to adjourn. Motion by Stearn to adjourn. Second by McCutcheon. Chairman Bolach adjourned the meeting at 8:11 p.m.



City of Pleasant Ridge

James Breuckman, City Manager

From: Jim Breuckman
 To: Planning Commission
 Date: August 21, 2014
 Re: Recommended Zoning Amendments

I have reviewed our development standards for single family residential development and at this time am recommending a few amendments to the Zoning Ordinance. These amendments will better protect the existing character of our City, while allowing for new development and reinvestment that is in keeping with that character.

1. Established Building Line Setback Requirement

Currently we require a 30-foot setback in all of our residential zoning districts. However, all or most of our streets have established building lines which are greater or lesser than 30 feet. For instance, on Oakland Park houses are set back 50 to 55 feet, on Ridge houses are set back 130 to 135 feet, on Norwich houses are set back 40 to 45 feet, and on Maywood houses are set back 22 to 27 feet.

When there is a clearly established building line along streets, it is best if new houses conform to the requirement and be built along the same building line to preserve the character and consistency on the street. Under our existing requirements a new house could be constructed well out in front of houses along Oakland Park or Ridge, and would be required to be built well behind existing houses on Maywood.

Section 26-12.3, Neighborhood Compatibility does require that new construction be consistent with adjacent properties with respect to “building placement on the lot, including setbacks and distances between buildings.” This provision does provide some protection against the house sticking out in front of others when the building line is greater than the minimum required setback, but it does not provide any relief when the building line is less than the required setback. It is also an unclear requirement, as the schedule of regulations requires a 30 foot setback but then the neighborhood compatibility requirements *may* require a greater setback.

Staff is recommending that the 30 foot minimum setback requirement be replaced with an Established Building Line setback requirement. This is a commonly used provision in many ordinances, with Birmingham and Huntington Woods being a notable nearby examples.

Staff would propose that the front setback requirement for residential districts be amended to be as follows:

When an established building line exists, the minimum front yard setback shall be the average of homes within 250 feet on the same block. The front building wall of any new house may not be set back more than 5 feet from the established

building line. If no established building line exists, then the minimum front yard setback shall be 30 feet.

The above amendment would replace the minimum front setback requirement in the Schedule of Regulations. The existing 30 foot requirement would be replaced with a new footnote that contains the above text.

2. Sky Plane Side Yard Setback Requirements

“Bigfoot” houses is a term that refers to new construction in existing neighborhoods that is out of scale or character with the established character of the neighborhood. While re-investment in existing neighborhoods is without question a good and desirable thing, we should be vigilant to ensure that we have proper controls in place to allow for new houses that meet the needs of today’s housing market while controlling the potential negative impacts on neighboring properties.

One way of accomplishing this is through the use of sky plane setback requirements in side yards. A sky plane is a line that extends inwards from the property line at a 45 degree angle. New construction may not penetrate the sky plane, which ensures that an adequate supply of light and air is preserved for existing houses when a new house or addition is constructed.

Sky plane requirements are used in ordinances across the country (New York City, Baltimore, and Boulder¹ are notable examples), but are not commonly used in Michigan. These kinds of regulations are a great way to ensure that new construction does not loom over existing houses, particularly on smaller lots where houses are closer together. Given that the explicit purpose of a sky plane requirement is to preserve an adequate supply of light and air to neighboring properties, a sky plane setback requirement is in keeping with the purpose of zoning regulations.

Staff recommends that the following language be added as a footnote to the Schedule of Regulations applicable to principal and accessory building height:

Purpose. Buildings with tall side walls may impact privacy, views or visual access to the sky on neighboring properties. The purpose of the sky plane height standards is to ensure that buildings step down towards neighboring properties in order to enhance privacy, and to preserve views and visual access to the sky on lots or parcels that are adjacent to new development.

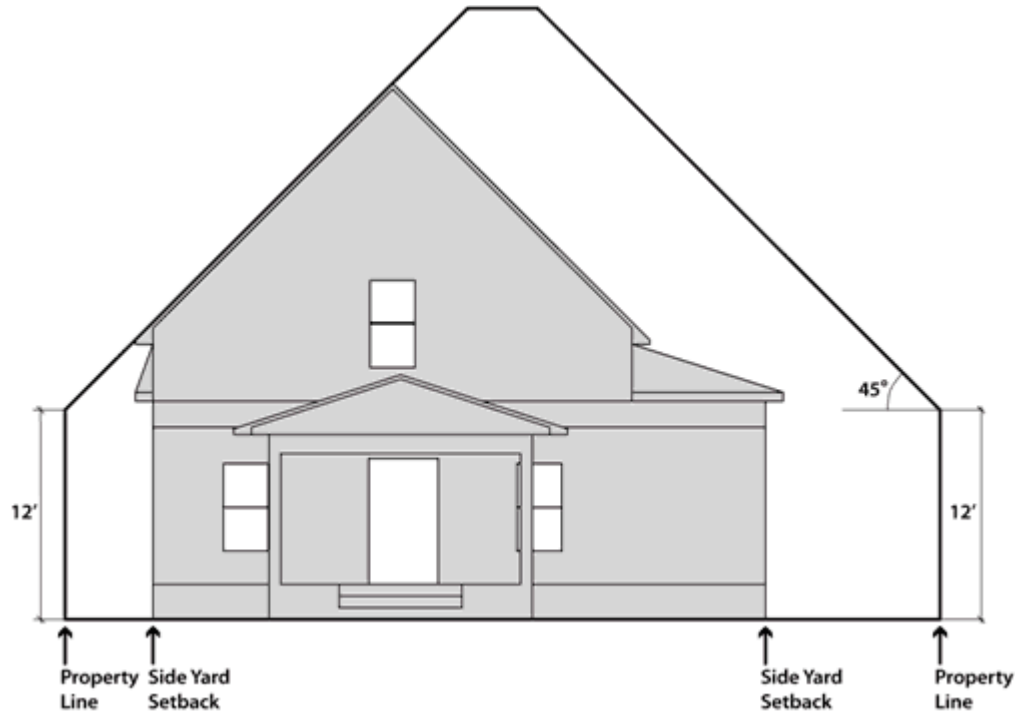
Scope. This section shall apply to any new construction, addition to an existing building, or modification of an existing building, inclusive of both principal and accessory buildings. Such activities shall comply with the requirements of this section, in addition to the maximum permitted height for the zoning district. Existing buildings which do not comply with the sky plane setback requirement may be maintained so long as the nonconformity is not increased. Alterations which reduce but do not eliminate the nonconformity are permitted.

Measurement Standards. Any proposed addition, reconstruction, or new construction shall not penetrate the sky plane.

The sky plane for portions of a lot that are adjacent to an existing house or within 10 feet of the rear building wall of an adjacent house (measured at a 90 degree angle from the back of the existing

¹ Boulder’s regulations can be viewed at <http://www.colocode.com/boulder2/chapter9-7.htm>. They form the basis for our recommended language.

adjacent house), the sky plane shall be measured at a 45 degree angle from a point 17 feet above the existing grade along the side yard property line or the top of wall elevation of the existing house plus two feet, whichever is lower. For portions of a lot that are not located adjacent to or within 10 feet of an existing adjacent house, the sky plane shall be measured at a 45 degree angle from a point 10 feet above the existing grade along the side property line.



The sky plane begins at a point above the side yard property line and then angles inwards towards the center of the lot at a forty-five degree angle until the sky plane reaches the maximum building height or intersects with the sky plane that extends inwards from the lot line on the opposite side of the lot or parcel.

Encroachments. Permitted encroachments into the sky plane include:

1. Roof overhangs or eaves for the primary roof, provided that the overhang or eaves do not project more than 30 inches horizontally beyond the sky plane.
2. A rooftop solar system.
3. The gable end of a sloping roof form, provided that:
 - a. The roof ridge of the gable end does not extend more than eight feet beyond the sky plane, including any roof overhang.
 - b. The portion of the gable end that extends beyond the sky plane has a maximum width of 40 feet, including any roof overhang.
4. Dormers, provided that:
 - a. The highest point of any dormer is at or below the height of the primary roof ridge.
 - b. The portion of any dormer that extends beyond the sky plane limit has a maximum width of eight feet, including any roof overhang.

- c. The maximum height of any dormer is six feet or less, as measured from the surface of the roof on which it is located to the top of the dormer roof.
 - d. The combined width of all dormers does not exceed fifty percent of the length of the roof on which they are located.
 - e. The space between dormers is not less than one-half the width of the adjacent dormer or the average of the two if they are different sizes, whichever is greater.
5. Chimneys.
 6. Insubstantial encroachments that are small and do not substantially increase the bulk of the building, including antennae, small architectural details, sculptural elements, decorations, etc.

3. Lot Coverage

If the side yard sky plane requirement is adopted, it will have the impact of reducing the cubic space available for building on a lot. In order to ensure that we are still allowing and encouraging reinvestment in our City, we could increase the maximum lot coverage in our smaller lot zoning districts to ensure that we are not reducing the buildable volume on our smaller lots in the R-1C and R-1D districts. The increase would be from 30% to 35%.

By way of comparison, here is how nearby communities handle maximum lot coverage on smaller lots (i.e. lots with a minimum lot area requirement of 6,000 square feet or less):

Birmingham: 30%

Huntington Woods: 30%

Royal Oak: 35% (total ground floor area of all buildings may not exceed 1,800 sq. ft.)

Ferndale: 35%

Berkley: 35%

Note that none of the above communities have side yard sky plane requirements.

4. Accessory Building Height

Staff recommends that the maximum height for accessory structures be reduced to 15 feet. This height is consistent with the maximum height for an accessory structure in Birmingham, Royal Oak, and Berkley. It is higher than permitted in Huntington Woods. A 15 foot maximum height for accessory structures will still allow for a bonus room above a garage, but it will reduce the potential impact on neighboring properties and reduce the chances of illegal accessory dwelling units being developed. Staff also recommends including a provision that prohibits the peak roof elevation of an accessory building from being higher than the peak roof elevation of the principal structure on the lot.



City of Pleasant Ridge

James Breuckman, City Manager

From: Jim Breuckman, City Manager
To: Planning Commission
Date: August 21, 2014
Re: Accessory Dwelling Units

Following are two potential amendments to address the current ambiguity regarding ADUs:

Option 1 – Prohibit

Amend Section 26-12.2 General Requirements item to 2 read:

2. Number of Principal Uses per Lot. Only one principal building shall be placed on a lot of record, and only one dwelling unit shall be permitted per lot of record in single-family residential districts.

Amend Section 26-13.1 Accessory Uses to add a new item 9:

9. Residential occupancy of an accessory buildings is prohibited. Any accessory structure that contains a combination of services that would allow it to be used as an accessory dwelling unit requires approval as an accessory dwelling unit. A combination of services which would make an accessory building easily convertible to habitable space is prohibited. The combination of services may include water, sewer, gas, and/or electric, as determined by the Zoning Administrator.

Option 2 – Permit as a Special Land Use

Amend the Regulated Uses Table in Section 26-3.5 and the list of permitted uses in Article IV – Single Family Residential Districts to list Accessory Dwelling Units as a special land use.

Amend Section 26-13.1 Accessory Uses to add a new item 9:

9. Residential occupancy of an accessory buildings is prohibited unless a special land use permit is issued by the Planning Commission. In the absence of special land use approval, a combination of services which would make an accessory building easily convertible to habitable space is prohibited. The combination of services may include water, sewer, gas, and/or electric, as determined by the Zoning Administrator.

Add a new subsection R to Section 26-13.5 – Special Land Uses with specific standards applicable to accessory dwelling units:

R. One (1) Accessory Dwelling Unit (ADU) may be permitted per parcel. The Planning Commission shall take into consideration the proximity of a detached ADU to other

surrounding residential structures, the availability of parking, and potential impact of the proposed ADU on the neighborhood as part of the special land use review. In order to approve an ADU, the Planning Commission shall make a finding that all of the standards of Section 26-13.5(4) are met.

The following specific regulations shall apply to any ADU:

1. **One Unit.** One (1) ADU shall be allowed in conjunction with an existing detached single family dwelling, located on a lot with a minimum area of five thousand (5,000) square feet.
2. **Minimum/Maximum Size.** The ADU shall not exceed twenty five (25) percent of the gross floor area of the primary dwelling unit, or 750 square feet in gross floor area, whichever is less.
3. **Location and Design.**
 - a. The ADU may only be located in a detached accessory structure.
 - b. The ADU may not have an exterior entrance that is visible from any street.
 - c. If an ADU is permitted on a property, the structure containing the ADU shall be the only accessory structure on the property.
 - d. Any detached accessory building containing an ADU shall be set back a minimum of 5 feet from any side or rear property line.
 - e. Any detached accessory building containing an ADU shall comply with all applicable standards of Section 26-13.1.
4. **Building Height.** The maximum height for a detached accessory structure containing an approved ADU shall be 17 feet.
5. **Minimum Parking.** A minimum of three (3) off-street parking spaces shall be provided on-site, with one (1) space specifically assigned to the ADU. Garage spaces may be counted towards the minimum parking requirement.
6. **Owner Occupancy.** One (1) of the dwelling units shall be owner-occupied and shall have been owner-occupied by the current owner for the twelve (12) calendar months preceding the date of application to create an ADU. If the parcel ceases to be owner-occupied, the ADU may not be occupied.
7. **Separate Meter Required.** The ADU shall have a separate water meter tied to the City main.
8. **Bedroom Maximum.** A maximum of two (2) bedrooms are permitted within an ADU. Occupancy shall be limited to no more than two (2) persons.
9. **Landlord License.** The property owner shall register the accessory dwelling unit as a rental unit in accordance with Section 18, Article IV of the City Code of Ordinances and remain in compliance with the landlord licensing requirements at all times.

10. Leasing or Rental. Leasing or rental of the ADU for tenancies of less than one hundred eighty days shall be prohibited. The property owner shall submit signed copies of the lease agreement indicating such to the City.

11. Deed Restriction. A deed restriction enforceable by the City shall be recorded prior to the issuance of a building permit stipulating that the ADU may not be conveyed separately from the primary dwelling unit, and that the ADU may only be occupied if the owner of the parcel is an occupant of the principal or accessory dwelling unit.



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23925 Woodward Avenue
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Regular Downtown Development Authority Meeting
Monday, August 25, 2014

Members of the Downtown Development Authority and Residents: This shall serve as your official notification of the Regular Downtown Development Authority Meeting to be held Monday, August 25, 2014, immediately following the Regular Planning Commission Meeting, in the City Commission Chambers, 23925 Woodward Avenue, Pleasant Ridge, Michigan 48069. The following items are on the Agenda for your consideration:

DOWNTOWN DEVELOPMENT AUTHORITY MEETING

1. Meeting Called to Order.
2. Roll Call.
3. Consideration of the following minutes:
 - a. Regular Downtown Development Authority Meeting held Tuesday, July 15, 2014.
4. PUBLIC DISCUSSION – Items not on the Agenda.
5. Consideration of the update regarding the Alley Improvement Project, from Devonshire to the north City limit.
6. Consideration of the following updates:
 - a. Business and Marketing Development
 - b. Concert in the Park
7. City Managers Report.
8. Other Business.
9. Adjournment.

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the City at least seventy-two (72) hours in advance of the meeting, if requesting accommodations.



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Regular Downtown Development Authority Meeting
Tuesday, July 15, 2014

Having been duly publicized, Chairman Bolach called the meeting to order at 8:12 p.m.

Present: Bolach, Decoster, Laidlaw, Lenko, McCutcheon, O'Brien, Schlesinger, Stearn, and Sweeney
 Also Present: City Manager Brueckman, Assistant City Manager Pietrzak, Mayor Kurt Metzger, and City Commissioner Perry
 Absent: None

Minutes

Motion by Commissioner Decoster, second by Commissioner McCutcheon that the minutes of the Regular Downtown Development Authority Meeting held Monday, June 23, 2014, be approved, as presented.

Adopted: Yeas: Bolach, Decoster, Laidlaw, Lenko, McCutcheon, O'Brien, Schlesinger, Stearn, and Sweeney.
 Nays: None

Alley Improvements

Residents Lee Hart and Charles Dunlop purchased the MBS building and are planning to move their respective businesses into the space. Since they will be doing a lot of improvements it seems to make sense for the DDA to consider redoing the adjoining alley at the same time to potentially save money. Brueckman suggested that after the Cambridge project is completed they could move directly to the alley. This is the last year of the Fairwood lot payment so there would be funds available to address this project now. We could budget the project as if we were doing it alone, however, since engineering and materials would overlap somewhat there should

